

1 DEVERIE J. CHRISTENSEN, ESQ.

Nevada Bar No. 6596

2 JOSHUA A. SLIKER, ESQ.

Nevada Bar No. 12493

3 **JACKSON LEWIS P.C.**

300 S. Fourth Street, Suite 900

Las Vegas, Nevada 89101

5 Telephone: (702) 921-2460

Facsimile: (702) 921-2461

6 Email: deverie.christensen@jacksonlewis.com

joshua.sliker@jacksonlewis.com

7 DOUGLAS W. HALL, ESQ. (admitted *pro hac vice*)

8 Washington D.C. Bar No. 430406

9 AARON S. MARKEL, ESQ. (admitted *pro hac vice*)

Washington D.C. Bar No. 1018072

10 **JONES DAY**

51 Louisiana Avenue, N.W.

11 Washington, D.C. 20001

12 Telephone: (202) 879-3939

Facsimile: (202) 626-1700

13 Email: dwhall@jonesday.com

amarkel@jonesday.com

14 *Attorneys for Plaintiff/Counterclaim-*

15 *Defendant Allegiant Air, LLC*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 Case No. 2:18-cv-01360-NJK

20 ALLEGIANT AIR, LLC,

21 Plaintiff/Counterclaim-
22 Defendant,

23 v.

24 INTERNATIONAL BROTHERHOOD
25 OF TEAMSTERS, AIRLINE DIVISION,
et al.,

26 Defendants/Counterclaim-
27 Plaintiffs

**JOINT STATUS REPORT AND
MOTION FOR EXTENSION OF STAY
PENDING MEDIATION**

1 Pursuant to the Court’s February 19, 2019 Order, Plaintiff Allegiant Air, LLC (“Allegiant”)
2 and Defendants International Brotherhood of Teamsters, Airline Division (“IBT”), Airline
3 Professionals Association Teamsters Local Union No. 1224 (“Local 1224”), and Local 1224’s
4 President, Daniel Wells (collectively the “Union”), file this joint status report and request that this
5 Court extend the stay of all deadlines and proceedings in this matter until June 28, 2019, so that the
6 parties may continue their efforts to resolve this dispute through mediated negotiations. In support
7 of this request, the parties state as follows:

8 1. This case concerns the parties’ attempts to negotiate a Preferential Bidding System
9 Letter of Agreement (“PBS LOA”). In July 2018, the Union voted to authorize a strike against
10 Allegiant based on the parties’ failure to negotiate a PBS LOA. Believing that such a strike would
11 violate the Railway Labor Act (“RLA”), Allegiant brought this lawsuit for injunctive and
12 declaratory relief. *E.g.*, Verified Compl. (ECF No. 1) ¶ 2. The Union in turn filed a counterclaim,
13 alleging that Allegiant engaged in bad faith bargaining concerning the PBS LOA, and seeking an
14 order from the Court requiring Allegiant to return to the bargaining table to negotiate in good faith.
15 Counterclaim (ECF No. 39) ¶¶ 39-47.

16 2. On August 28, 2018, the Union moved to dismiss Allegiant’s First Amended
17 Complaint (“FAC”). Mot. to Dismiss FAC (ECF No. 18). The court denied this motion by Minute
18 Order on December 6, 2018. (ECF No. 38). Allegiant has subsequently moved to dismiss the
19 Union’s counterclaim, briefing for which has not yet been completed. Mot. Dismiss Counterclaim
20 (ECF No. 43).

21 3. On February 15, 2019, the parties jointly moved this Court to stay all deadlines in
22 proceedings in this case until May 31, 2019, so that they could pursue resolution of this dispute
23 through mediation. (ECF No. 52).

24 4. On February 19, 2019, the Court granted the parties’ request and stayed all
25 proceedings in this case, including the deadlines set forth in the Court’s January 30, 2019
26 scheduling order (ECF No. 48), until May 31, 2019. (ECF No. 53). In doing so, the Court dismissed
27 Allegiant’s motion to dismiss the Union’s counterclaim without prejudice, with permission to refile
28 its request within 14 days of the stay being lifted. *Id.* The Court further ordered that the parties file

1 a joint status report, dismissal papers, or request to lift the stay by May 31, 2019. *Id.*

2 5. Following the entry of the stay, the parties agreed to engage in three two-day
3 mediation sessions with the assistance of Mediator Dana Eischen. On May 8 and 9, 2019, the
4 parties engaged in the first of these mediation sessions in Las Vegas, Nevada. The parties scheduled
5 their second two-day mediation session to take place in Washington, D.C., on May 30-31, 2019.

6 6. The parties believe that extending the stay of proceedings and deadlines in this case
7 will allow them to continue to pursue resolution through mediation, and thus save time, enhance
8 judicial efficiency, and conserve court and party resources. The parties therefore respectfully
9 request that the Court enter an order continuing its stay of all deadlines and proceedings – including
10 discovery and further briefing on Allegiant’s Motion to Dismiss the Union’s counterclaim – until
11 June 28, 2019. On or before June 28, 2019, the parties shall file either (a) a joint stipulation of
12 dismissal, or (b) a joint status report advising the Court of the status of the parties’ negotiations and
13 containing the parties’ recommendations for resumption of these proceedings.

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1 7. The parties and their counsel make this request in good faith and not for the purpose
2 of delaying these proceedings.

3 Dated this 23rd day of May 2019.

4 THE URBAN LAW FIRM

JACKSON LEWIS P.C.

5 /s/ Nathan R. Ring

/s/ Joshua A. Sliker

6 NATHAN R. RING, ESQ.

DEVERIE J. CHRISTENSEN, ESQ.

7 Nevada Bar No. 12078

Nevada Bar No. 6596

8 4270 S. Decatur Blvd., Suite A-9

JOSHUA A. SLIKER, ESQ.

9 Las Vegas, Nevada 89103

Nevada Bar No. 12493

300 S. Fourth Avenue, Suite 900

Las Vegas, Nevada 89101

10 *Attorneys for Defendants/Counterclaim-*
11 *Plaintiffs*

Attorneys for Plaintiff/Counterclaim-
12 *Defendant*

12 LAW OFFICE OF EDWARD GLEASON,
13 PLLC

JONES DAY

14 /s/ Edward M. Gleason, Jr.

/s/ Douglas W. Hall

15 EDWARD M. GLEASON, JR.

DOUGLAS W. HALL, ESQ.

16 (admitted *pro hac vice*)

(admitted *pro hac vice*)

AARON S. MARKEL, ESQ.

17 910 17th Street, N.W., Suite 800

(admitted *pro hac vice*)

18 Washington, DC 20006

51 Louisiana Avenue, N.W.

Washington, D.C. 20001

19 *Attorneys for Defendants/Counterclaim-*
20 *Plaintiffs*

Attorneys for Plaintiff/Counterclaim-
21 *Defendant*

22 **IT IS SO ORDERED.**

23 _____
24 Hon. Nancy J. Koppe
25 United States Magistrate Judge

26 Date: May 23, 2019